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MINISTRY OF LAW

New Delhi, the 14th June, 1958/Jyaistha 24, 1880 (Saka)

THE WORKING JOURNALISTS (FIXATION OF RATES
OF WAGES) ORDINANCE, 1958

No. 3 OF 1958

Promulgated by the President in the Ninth Year of the
Republic of India.

An Ordinance to provide for the fixation of rates of wages
in respect of working journalists and for matters connected
therewith.

WHEREAS Parliament is not in session and the President is satisfied
that circumstances exist which render it necessary for him to take
immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1)
of article 123 of the Constitution, the President is pleased to
promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Working Journalists Short title
(Fixation of Rates of Wages) Ordinance, 1958. and com-
mencement.

(2) It shall come into force at once.

2. In this Ordinance, unless the context otherwise requires,— Definitions.

(a) "Committee" means the Committee constituted under
section 3;

(b) "prescribed" means prescribed by rules made under this
Ordinance;

(c) "Wage Board" means the Wage Board constituted under the Working Journalists Act by notification No. SRO. 1075 of the Government of India in the Ministry of Labour, dated the 2nd May, 1956;

(d) "Wage Board decision" means the decisions of the Wage Board published in the Gazette of India Extraordinary, Part II, Section 3, dated the 11th May, 1957;

(e) "wages" means wages as defined in the Industrial Disputes Act, 1947;

14 of 1947.

(f) "Working Journalists Act" means the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955.

45 of 1955.

Constitution
of Com-
mittee.

3. (1) For the purpose of enabling the Central Government to fix rates of wages in respect of working journalists in the light of the Judgment of the Supreme Court, dated the 19th day of March, 1958, relating to the Wage Board decision, and in the light of all other relevant circumstances, the Central Government shall, as soon as may be after the commencement of this Ordinance, by notification in the Official Gazette, constitute a Committee consisting of the following persons, namely:—

(i) an officer of the Ministry of Law not below the rank of Joint Secretary, nominated by the Central Government, who shall be the Chairman of the Committee,

(ii) three persons nominated by the Central Government from among the officers of each of the Ministries of Home Affairs, Labour and Employment and Information and Broadcasting,

(iii) a chartered accountant nominated by the Central Government.

(2) The Central Government may appoint a Secretary to the Committee for the performance of such functions as the Committee or the Chairman thereof may assign to him, and may also provide the Committee with such other staff as may be necessary.

Functions of
Committee.

4. (1) The Committee shall, by notice published in such manner as it thinks fit, call upon newspaper establishments and working journalists and other persons interested in the Wage Board decision to make such representations as they may think fit as respects the Wage Board decision and the rates of wages which may be fixed under this Ordinance in respect of working journalists.

(2) Every such representation shall be in writing and shall be made within such period not exceeding thirty days, as the Committee may specify in the notice, and shall state—

(a) the specific grounds of objection, if any, to the Wage Board decision,

(b) the rates of wages which, in the opinion of the person making the representation, would be reasonable, having regard to the capacity of the employer to pay the same or to any other circumstance, whichever may seem relevant to the person making the representation in relation to his representation,

(c) the alterations or modifications, if any, which, in the opinion of the person making the representation, should be made in the Wage Board decision and the reasons therefor.

(3) The Committee shall take into account the representations aforesaid, if any, and after examining the materials placed before the Wage Board and such further materials as have since been made available to it under this Ordinance, make such recommendations, as it thinks fit, to the Central Government for the fixation of rates of wages in respect of working journalists, whether by way of modification or otherwise, of the Wage Board decision; and any such recommendation may specify, whether prospectively or retrospectively, the date from which the rates of wages should take effect.

(4) In making any recommendations to the Central Government, the Committee shall have regard to all the matters set out in sub-section (1) of section 9 of the Working Journalists Act.

(5) The Committee may, if it thinks fit, take up for consideration separately groups or classes of newspaper establishments, whether on the basis of regional classification or on any other basis, and make recommendations from time to time in regard to each such group or class.

5. (1) Subject to the provisions contained in sub-section (2), the Committee may exercise all or any of the powers which an industrial tribunal, constituted under the Industrial Disputes Act, 1947, exercises for the purpose of adjudicating an industrial dispute referred to it and shall, subject to the provisions contained in this Act and the rules, if any, made thereunder, have power to regulate its own procedure.

(2) Any representations made to the Committee and any documents furnished to it by way of evidence, shall be open to inspection on payment of such fee as may be prescribed, by any person interested in the matter.

(3) If in the course of any inquiry it appears to the Committee that it is necessary to examine any accounts or documents or obtain any statements from any person, the Committee may authorise any officer of the Central Government (hereinafter referred to as "the authorised officer") in that behalf; and the authorised officer shall, subject to the directions of the Committee, if any, examine the accounts or documents or obtain the statements from the person.

(4) The authorised officer may, subject to the directions of the Committee, if any, exercise all or any of the powers which an industrial tribunal may exercise under sub-section (2) or sub-section (3) of section 11 of the Industrial Disputes Act, 1947.

14 of 1947.

(5) The authorised officer shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

45 of 1860.

Power of
Central
Government
to enforce
recommendations of
Committee.

6. (1) As soon as may be, after the receipt of the recommendations of the Committee, the Central Government shall make an order in terms of the recommendations or subject to such modifications, if any, as it thinks fit, being modifications which, in the opinion of the Central Government, do not effect important alterations in the character of the recommendations.

(2) Notwithstanding anything contained in sub-section (1), the Central Government may, if it thinks fit,—

(a) make such modifications in the recommendations not being modifications of the nature referred to in sub-section (1), as it thinks fit:

Provided that before making any such modifications, the Central Government shall cause notice to be given to all persons likely to be affected thereby in such manner as may be prescribed, and shall take into account any representations which they may make in this behalf in writing, or

(b) refer the recommendations or any part thereof to the Committee, in which case the Central Government shall consider its further recommendations and make an order either in terms of the recommendations or with such modifications as are referred to in sub-section (1).

(3) Every order made by the Central Government shall be published in the Official Gazette together with the recommendations of the Committee relating to the order, and the order shall come into operation on the date of publication or on such date, whether prospectively or retrospectively, as may be specified in the order.

7. Subject to the other provisions contained in section 10, the order of the Central Government on its publication in the Official Gazette shall be binding on all employers and working journalists in relation to whom the order has been made; and every working journalist shall be entitled to claim wages at a rate which shall, in no case, be less than the rate of wages specified in the order.

Order of
Central
Government
to be binding
on all persons
concerned.

8. The Central Government may, at any time after the expiry of three years from the date of the order passed by it under this Ordinance, if it is of opinion that circumstances require that the rates of wages specified in the order should be revised, constitute a Wage Board as provided in section 8 of the Working Journalists Act, and where a Wage Board is so constituted, the provisions of the Working Journalists Act shall apply thereto.

Review of
order of
Central
Government

9. Any money due to a working journalist under any order of the Central Government made under this Ordinance, may be recovered in the same manner as money due under the Working Journalists Act may be recovered under section 17 of that Act.

Recovery of
moneys due
to working
journalists.

10. (1) Sections 8, 10, 11, 12 and 13 of the Working Journalists Act shall have no effect in relation to the Committee.

Effect of
Ordinance
over Work-
ing Journa-
lists Act,
etc.

(2) The provisions of this Ordinance shall have effect notwithstanding anything inconsistent therewith in the terms of any award, agreement or contract of service, whether made before or after the commencement of this Ordinance:

Provided that where under any such award, agreement, contract of service or otherwise, a working journalist is entitled to benefits in respect of any matter which are more favourable to him than those to which he would be entitled under this Ordinance, the working journalist shall continue to be entitled to the more favourable benefits in respect of that matter, notwithstanding that he receives benefits in respect of other matters under this Ordinance

(3) Nothing contained in this Ordinance shall be construed to preclude any working journalist from entering into any agreement with an employer for granting him rights or privileges in respect of any matter which are more favourable to him than those to which he would be entitled under this Ordinance.

Vacancies,
etc., not to
invalidate
proceedings
of Com-
mittee.

Power to
make rules.

11. No act or proceeding of the Committee shall be invalid merely by reason of the existence of any vacancy among its members or any defect in the constitution thereof.

12. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Ordinance.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the manner in which notices under this Ordinance may be published;

(b) the procedure to be followed by the Committee in the exercise of its powers under this Ordinance;

(c) the fees to be paid for inspection of documents furnished to the Committee.

RAJENDRA PRASAD,
President.

G. R. RAJAGOPAUL,
Addl. Secy. to the Govt. of India.